

Absent, excused.
Boren. McComb.
Gage. Smith.
Absent, not excused.
Lewis.

On motion of Senator Atlee, Senate adjourned till tomorrow morning at 10 o'clock.

SIXTY-FIFTH DAY.

Senate Chamber,
Austin, Texas, March 28, 1895.
Senate met pursuant to adjournment.
Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew.	Lawhon.
Atlee.	Lewis.
Bailey.	McKinney.
Beall.	Presler.
Bowser.	Rogers.
Colquitt.	Shelburne.
Darwin.	Sherrill.
Dean.	Simpson.
Dibrell.	Stafford.
Dickson.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Harrison.	Woods.

Absent, excused.
Boren. McComb.
Gage. Smith.

Prayer by the Chaplain, Dr. Smoot.
Pending reading of the Journal of yesterday,

On motion of Senator Whitaker, the same was suspended.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, March 28, 1895.
Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 437, being a bill to be entitled "An act to encourage the breeding of and improvement in trotting, running and pacing horses in the State of Texas, and to prevent any person from entering any horse, mare, gelding, colt or filley under any other than its true name or out of its proper class in competition for any purse, prize, premium, stake or sweepstakes, offered or given by any agricultural or any other society, association, person or persons in the State of Texas, where such prize, purse or premium, stake or sweepstakes is offered to be decided by contest of speed,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendments:

Amend section 2 by adding thereto,

"and shall pay a fine of \$100 for each such offense."

Amend section 3 by adding thereto; "and shall pay a fine of \$100 for each such offense."

AGNEW, Chairman.

Committee Room,
Austin, Texas, March 28, 1895.
Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 276, a bill to be entitled "An act to amend section 3 of an act approved February 6, 1891, (being chapter 3 of the acts of the regular session of the Twenty-second Legislature,) in relation to the jurisdiction of the Seventeenth and Forty-eighth judicial districts,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Acting Chairman.

Committee Room,
Austin, Texas, March 28, 1895.
Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 104, being a bill to be entitled "An act to amend chapter 5, title 10, of the Penal Code of the State of Texas, by adding articles 342a, 342b, defining 'the abominable and detestable crime against nature,' prohibiting any person from causing or assisting another to commit the crime of masturbation, providing for the punishment thereof, and defining masturbation,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

AGNEW, Chairman.

Committee Room,
Austin, Texas, March 28, 1895.
Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 252, being a bill to be entitled "An act to amend article 685, chapter 5, title 8, of the Code of Criminal Procedure of the State of Texas, relating to trial and its incidents,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

AGNEW, Chairman.

Committee Room,
Austin, Texas, March 28, 1895.
Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 63, being a bill to be entitled "An act to amend an act passed by the Twenty-third Legislature of Texas, approved March 29, 1893, entitled

"An act to amend an act passed by the Twentieth Legislature, approved April 2, 1887, entitled 'An act to amend article 430 of section 1, and to repeal section 2 of an act entitled an act to amend articles 423, 424, 425, 426, 427, 428, 429, 430a, and to create article 426 1-2, and to repeal article 430, chapter 5, title 13, of the Penal Code of the Revised Civil Statutes for the protection of fish and game,' approved March 15, 1881,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

AGNEW, Chairman.

Committee Room,

Austin, Texas, March 28, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

House bill No. 395, being a bill to be entitled "An act to amend article 459, chapter 5, title 7, of the Code of Criminal Procedure of the State of Texas, regulating the issuance of capias in felony cases where the accused has previously given bail,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

AGNEW, Chairman.

Committee Room,

Austin, Texas, March 28, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 251, being a bill to be entitled "An act to amend article 229, title 5, Code of the Criminal Procedure of the State of Texas, and to provide for the arrest of persons charged with a felony without warrant,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

AGNEW, Chairman.

Committee Room,

Austin, Texas, March 28, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Finance, to whom was referred

House bill No. 316, being a bill to be entitled "An act to fix the rate of taxation on express companies; to provide the time and manner of collecting such tax, and provide penalties for violation of this act, and repealing all laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TIPS, Chairman.

HOUSE MESSAGE.

House of Representatives,
Austin, Texas, March 27, 1895.

Hon. George T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bills, to-wit:

House bill No. 404, a bill to be entitled "An act to amend an act entitled 'An act to define trusts and to provide for penalties and punishment of corporations, persons, firms and associations of persons connected with them, and to promote free competition in the State of Texas,' approved March 3, 1889," With engrossed rider.

Senate bill No. 149, "An act to provide for the collection of taxes heretofore levied and that may hereafter be levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes since January 1, 1877, which may have been sold to the State, or to any county, city or town for the tax due thereon and not redeemed, or which may hereafter be sold to the State or to any county, city or town to satisfy the lien thereon." With House amendments.

Passed by a two-thirds vote—Ayes 96, noes 0.

Also, that the House has adopted the report of the free conference committee on Senate bill No. 166.

Respectfully,

CHESTER HAILE, Chief Clerk.

BILLS AND RESOLUTIONS.

By Senator Colquitt:

A bill to be entitled "An act to make illegal mortgages and other liens on unmatured products."

Read first time and referred to Judiciary Committee No. 2.

By Senator Greer:

Whereas, The Senate has about completed its labors in committee work; and whereas, it is a useless expense to keep longer all the clerks that are now employed by the Senate; therefore be it

Resolved, That the President of the Senate be, and he is hereby requested to discharge all but two of the appointive clerks.

By Senator Whitaker:

Amend resolution by saying four clerks.

Senator Bailey moved to refer the resolution and amendment to Committee on State Affairs.

Carried.

By Senator Dean:

A bill to be entitled "An act defining and regulating fraternal beneficiary societies, orders, or associations, and authorizing the incorporation of such societies orders or associations."

Read first time and referred to Judiciary Committee No. 2.

Call concluded.

Senator Bowser moved to suspend regular order of business and take up,

Senate bill No. 15, being a bill to be

entitled "An act to provide for the creation of life and accident insurance companies in this State, and for the regulation thereof, and to repeal all laws and parts of laws in conflict therewith."

Lost.

Senator Agnew called up his concurrent resolution, No. 20, providing for adjournment sine die on April 10, and moved its adoption.

Adopted.

SPECIAL ORDER.

The Chair laid before the Senate, Senate bill No. 154, a bill entitled "An act to provide for the organization of public warehouses, and to regulate the warehousing of cotton, grain and all other kind of products and all kinds of goods and mercantile commodities, and to define the ownership thereof."

Action being upon the following:

By Senator Lawhon:

Amend section 9 by adding thereto the following: "Provided, said transfer shall in no way interfere with the rights of any creditor, lien holder or adverse claimant."

By Senator Steele:

Substitute: Amend section 9 by adding the following: "Provided, that nothing in this section shall be construed to contravene the landlord and tenant act or a registered chattel mortgage."

Senator Steele withdrew his substitute.

By Senator Agnew:

Substitute for amendment: Amend section 9 by striking out all of said section after the word "issued" in line 8.

Senator Lawhon withdrew his amendment in favor of the substitute.

By Senator Atlee:

Substitute the amendment (Senator Agnew's) by striking out section 9.

Lost by the following vote:

Yeas—7.

Atlee.	McKinney.
Beall.	Stafford.
Colquitt.	Steele.
Lawhon.	

Nays—15.

Agnew.	Lewis.
Bailey.	Rogers.
Darwin.	Shelburne.
Dean.	Sherrill.
Dibrell.	Simpson.
Goss.	Tips.
Greer.	Woods.
Harrison.	

Absent, excused.

Boren.	McComb.
Gage.	Smith.

Absent, not excused.

Bowser.	Presler.
Dickson.	Whitaker.

By Senator Goss:

Amend the amendment: "And such transfer of the receipt shall operate as a transfer of the property represented by it."

By Senator Tips:

Substitute for the amendment and the amendment to the amendment: "Amend section 9, line 9, strike out the word property and insert in lieu thereof the following: 'title to the property as defined in section 6 of this act.'"

Adopted by the following vote:

Yeas—18.

Agnew.	McKinney.
Bailey.	Rogers.
Colquitt.	Shelburne.
Darwin.	Sherrill.
Dean.	Simpson.
Dibrell.	Stafford.
Greer.	Tips.
Harrison.	Whitaker.
Lewis.	Woods.

Nays—5.

Atlee.	Lawhon.
Beall.	Steele.
Goss.	

Absent, excused.

Boren.	McComb.
Gage.	Smith.

Absent—excused.

Bowser.	Presler.
Dickson.	

The amendment as substituted was adopted.

By Senator Beall:

Amend section 9, line 9, by inserting after the word "endorsement" the following: "Together with a transfer made upon the books of the warehouse, the fact of said transfer to be noted upon said receipt."

Lost by the following vote:

Yeas—6.

Beall.	Stafford.
McKinney.	Steele.
Sherrill.	Woods.

Nays—17.

Agnew.	Harrison.
Atlee.	Lawhon.
Bailey.	Lewis.
Bowser.	Presler.
Darwin.	Rogers.
Dean.	Shelburne.
Dibrell.	Simpson.
Goss.	Tips.
Greer.	

Present, not voting

Colquitt.

Absent, excused.

Boren.	McComb.
Gage.	Smith.

Absent, not excused.

Dickson.	Whitaker.
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By Senator Steele:

Amend by striking out the word "valid" in section 9, line 9, page 5.

Adopted.

Section 10 read.

By Senator Rogers:

Amend section 10, line 6, page 6, by striking out the word "and" and insert the word "or" in lieu thereof.

Adopted.

By Senator Dibrell:

Amend by adding after the word "associations" in line 7, section 10, page 6, the words "or county paper."

Adopted.

Section 11 read.

By Senator Dibrell:

Amend by inserting after the word "county" in line 31 of section 11 the word "judge" and striking out the word "court."

Adopted.

By Senator Dibrell:

Amend by adding after the word "weighers" in line 4, page 7, section 11, the following: "Where no such public weighers are elected by the people."

Adopted.

By Senator Colquitt:

Amend line 1, page 7, by striking out "court" and insert "judge" in lieu thereof.

Adopted.

(Senator Lawhon in the chair.)

Section 12 read.

By Senator Colquitt:

Amend section 12, page 7, lines 11, 17 and 27, by striking out "court" and insert "judge."

Adopted.

Section 13 read.

Section 14 read.

By Senator Tips:

Amend section 14, line 13, by adding thereto the following: "Provided, that such receipt so issued shall have been knowingly issued for the purpose and with the intent to swindle or defraud."

Adopted.

Section 15 read.

By Senator Tips:

Amend section 15, line 20, by striking out the figures "200" and insert "100" in lieu thereof.

Adopted.

By Senator Tips:

Amend section 15 in line 15, strike out the word "and" as it occurs between the figures 12 and 13, and add after the figures 13 the following, "and 14."

Adopted.

Section 13 read.

Section 17 read.

Section 18 read.

By Senator Lewis:

Amend by adding section 19, as follows: "The near approach of the close of the present session of the Legislature, and the large number of bills now pending, and the importance of this measure, creates an emergency and public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and it is so enacted."

Adopted.

By Senator Rogers:

Amend line 32, page 3, section 5, subdivision 6, by striking out the words "a consecutive number," and insert in lieu thereof the words "consecutive numbers."

Adopted.

By Senator Greer:

Amend section 16 by striking out in

line 23 the words "to a final issue," and insert in lieu thereof "as in other cases."

Adopted.

Bill ordered engrossed.

(Lieut. Gov. Jester in the chair.)

On motion of Senator Tips, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage, by the following vote:

Yeas—23.

Agnew.	Lewis.
Atlee.	McKinney.
Bailey.	Presler.
Beall.	Rogers.
Bowser.	Shelburne.
Colquitt.	Sherrill.
Darwin.	Simpson.
Dibrell.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Harrison.	Woods.
Lawhon.	

Nays—1.

Stafford.

Absent, excused.

Boren.

McComb.

Gage.

Smith.

Absent, not excused.

Dean.

Dickson.

Bill read third time and passed by the following vote:

Yeas—21.

Agnew.	Lewis.
Bailey.	Presler.
Beall.	Rogers.
Bowser.	Shelburne.
Colquitt.	Sherrill.
Darwin.	Simpson.
Dibrell.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Harrison.	Woods.
Lawhon.	

Nays—2.

McKinney.

Stafford.

Absent, excused.

Boren.

McComb.

Gage.

Smith.

Absent, not excused.

Atlee.

Dickson.

Dean.

Senator Tips moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

Tabled.

Senator Simpson moved that the Senate go into executive session on the Governor's appointments on tomorrow at 12 o'clock m.

So ordered.

SPECIAL ORDER.

The Chair laid before the Senate, Senate bill No. 15, being a bill to be entitled "An act to provide for the creation of life and accident insurance companies in this State, and for the regulation thereof, and to repeal all laws and parts of laws in conflict therewith,"

With committee (special, see Journal March 22) amendments.

Committee amendments adopted.

By Senator Colquitt:

Amend by striking out section 18.

Adopted by the following vote:

Yeas—13.

Agnew.	Lawhon.
Atlee.	Lewis.
Bailey.	McKinney.
Colquitt.	Shelburne.
Dibrell.	Simpson.
Goss.	Steele.
Greer.	

Nays—10.

Bowser.	Rogers.
Darwin.	Sherrill.
Dean.	Stafford.
Harrison.	Tips.
Presler.	Woods.

Absent, excused.

Boren.	McComb.
Gage.	Smith.

Absent, not excused.

Beall.	Whitaker.
Dickson.	

I voted aye on the amendment striking out section 18 of Senate bill No. 15, because I consider said section 18 in conflict with section 4 of article 8 of the State Constitution.

LAWHON.

Mr. President: Upon the motion of the Senator from Kaufman to strike out section 18 of the bill (Senate bill No. 15), which section exempts certain insurance companies from the payment of all franchise, income and occupation taxes for the period of ten years, we vote yea, and desire to state our reasons for so voting, briefly:

The principal tax now levied upon life insurance companies is the income tax of one and one-fourth per cent upon the gross receipts provided for by the Twenty-third Legislature, and it is from this and similar taxes that the bill would exempt certain companies.

We believe that the spirit and the letter of the State Constitution prohibit us from authorizing any such exemption.

Section 2 of article 8 of the Constitution, relating to taxation and revenue, provides that any exemption of any property from taxation, except in certain enumerated cases, shall be absolutely void. If the income or receipts of a corporation be treated as property, then under this section the exemption cannot be sustained, for our present laws operate directly upon the gross receipts of the companies, and lay a specific tax upon such gross receipts.

It is evident from the first four sections of article 8 of the Constitution that the all-pervading theory in the mind of the Constitution framers was that exemptions from taxation should not be indulged, except in the particular cases therein enumerated. In naming these exceptions no intimation is made that the

Legislature could exempt corporations from the income, franchise and occupation taxes, and no good reason can be advanced why the Legislature should be prohibited from exempting property from taxation, and at the same time be permitted to exempt gross receipts, incomes, etc., of corporations that probably have no other taxable property.

Section 4 of article 8 we believe is conclusive of the question. The section is as follows:

"The power to tax corporations and corporate property shall not be surrendered or suspended by act of the Legislature, by any contract or grant to which the State shall be a party."

That an act of the Legislature granting charters to incorporated companies upon certain conditions is a contract, there can be no doubt. If section 18 of the bill became a law the State would have contracted with any company that accepted the terms of the law and incorporated under it, that it should be exempted from taxation for ten years. Such grant or contract could be enforced in courts, and the power of subsequent Legislatures to tax such companies would be surrendered during the period of ten years. The power would be suspended by our act granting the exemption. Without our act, subsequent Legislatures could tax; with it, they could not. Therefore our act would suspend their powers to tax insurance corporations, and is in direct opposition to the mandate of the Constitution.

R. A. GREER,
PERRY J. LEWIS,
FRIENCH SIMPSON,
O. B. COLQUITT,
J. B. DIBRELL,
J. H. SHELBURNE.

Senator Bailey entered a motion to reconsider the vote by which the amendment was adopted.

Senator Agnew moved to adjourn to 3 p. m.

Lost.

Senator Bailey entered a motion to reconsider the vote by which the resolution providing for adjournment sine die was adopted this morning.

Senator Simpson called up the motion to reconsider and moved to table same.

The Senate refused to table.

The motion to reconsider was then lost.

IN SENATE.

House bill No. 668, "An act to fix the time for holding the courts in the Forty-sixth Judicial District and to repeal all laws in conflict herewith."

Read first time and referred to Judiciary Committee No. 1.

House bill No. 608, "An act to amend sections 4, 8, 10, 11, 24, 25, 28, 30, 36, 48, 49, 50, 58 and 59 of an act entitled 'An act to incorporate the city of Houston and grant a new charter to said city of Houston,' passed March —, 1893."

Read first time and referred to Committee on Towns and City Corporations.

By permission, Senator Simpson sent up the following committee report:

Committee Room,

Austin, Texas, March 28, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on State Affairs, to whom was referred the resolution:

Whereas, The Senate has now about completed its labor in committee work; and whereas, it is a useless expense to keep longer all the clerks that are now employed by the Senate; therefore be it

Resolved, That the President of the Senate be and the same is hereby requested to discharge all but four of the appointive clerks,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SIMPSON, Chairman.

The Chair gave notice of signing, and did sign after the caption had been read,

Senate concurrent resolution No. 21, "Authorizing the Secretary of State to correct the enrollment of House bill No. 120, so as to show the action of the Senate thereon."

Senator Dean moved to adjourn to 3 p. m.

Adjourned by the following vote:

Yeas—13.

Agnew.	Dickson.
Atlee.	Goss.
Bailey.	Harrison.
Bowser.	McKinney.
Colquitt.	Shelburne.
Darwin.	Stafford.
Dean.	

Nays—10.

Dibrell.	Sherrill.
Greer.	Simpson.
Lewis.	Steele.
Presler.	Tips.
Rogers.	Woods.

Absent, excused.

Boren.	McComb.
Gage.	Smith.

Absent, not excused.

Beall.	Whitaker.
Lawhon.	

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. No quorum present, the following Senators answering to their names:

Agnew.	Lawhon.
Beall.	Presler.
Bowser.	Rogers.
Colquitt.	Shelburne.
Darwin.	Sherrill.
Dibrell.	Steele.
Dickson.	Whitaker.
Goss.	Woods.
Greer.	

Absent, excused.

Boren.	McComb.
Gage.	Smith.

Absent, not excused.

Atlee.	McKinney.
Bailey.	Simpson.
Dean.	Stafford.
Harrison.	Tips.
Lewis.	

Senator Whitaker moved a call of the Senate, which was duly seconded and ordered, the following Senators answering to their names:

Agnew.	Greer.
Beall.	Lawhon.
Bowser.	Presler.
Colquitt.	Rogers.
Darwin.	Shelburne.
Dean.	Sherrill.
Dibrell.	Steele.
Dickson.	Whitaker.
Goss.	Woods.

Absent, excused.

Boren.	McComb.
Gage.	Smith.

Absent, not excused.

Atlee.	McKinney.
Bailey.	Simpson.
Harrison.	Stafford.
Lewis.	Tips.

On motion of Senator Colquitt, the Sergeant-at-Arms was instructed to locate and bring in the unexcused absentees.

Senators Harrison, Tips, Lewis and Simpson were announced.

By unanimous consent the following bill was offered

By Senator Woods:

A bill to be entitled "An act to fix and define the liability of palace and sleeping car companies."

Read first time and referred to Committee on Internal Improvements.

On motion of Senator Agnew, the call of the Senate was suspended.

By consent, the following committee reports were sent to the President's desk:

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, March 28, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 154, being "An act to provide for the organization of public warehouses, and to regulate the warehousing of cotton, grain and all other kinds of products and all kinds of goods and mercantile commodities, and to define the ownership thereof,"

And find the same correctly engrossed.

COLQUITT, Acting Chairman.

Committee Room,

Austin, Texas, March 28, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 73, a bill to be entitled

"An act to restore and confer upon the county court of Liberty, Jefferson and Atascosa counties the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of the State, to conform the jurisdiction of the district court of said counties to such change and to repeal all laws in conflict with the provisions of this act in so far as relates to Liberty, Jefferson and Atascosa counties,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

Amend by striking out the word "Jefferson" wherever it occurs in the bill and caption.

LEWIS, Acting Chairman.

Committee Room.

Austin, Texas, March 28, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 596, being a bill to be entitled "An act to increase the civil jurisdiction of the county court of Goliad county,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Acting Chairman.

Committee Room,

Austin, Texas, March 28, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 668, being a bill to be entitled "An act to fix the time for holding the courts in the Forty-sixth Judicial District, and to repeal all laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Acting Chairman.

Committee Room,

Austin, Texas, March 28, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 545, being a bill to be entitled "An act to diminish the civil and criminal jurisdiction of the county court of Angelina county, and to repeal all laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

Amend bill by inserting the county of Wharton in the caption, and conform the body of the bill thereto.

LEWIS, Acting Chairman.

Committee Room.

Austin, Texas, March 28, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate concurrent resolution No. 21, "Authorizing and directing the Secretary of State to correct a mistake in enrollment of substitute House bill No. 120, passed at a former day of the present session of the Legislature, so as to show the action of the Senate thereon,"

And find the same correctly enrolled, and have this day, at 4 p. m., presented the same to the Governor for his approval.

GREER, Chairman.

Committee Room.

Austin, Texas, March 28, 1895.

Hon. Geo. T. Jester, President of the Senate, and Hon. T. S. Smith, Speaker of the House:

Your Free Conference Committee, to whom was referred

House bill No. 540, "An act to amend chapter 14, general laws of 1891, being an act entitled 'An act to authorize the transfer of the Confederate Home at Austin, Texas, from private to State management, and to establish said Home as a State institution, and provide for its support,' approved February 27, 1891,"

Have had the same under consideration, and report the same back with the following recommendations:

First. That House concur in the first Senate amendment.

Second. That the Senate recede from its second amendment, and that we recommend in lieu thereof the following: Strike out in the fifth paragraph of section 6, the words "has been a resident of this State for two years next preceding his application" and insert in lieu thereof the following, "further, if he did not serve in a Texas command, that he was a bona fide resident of Texas on January 1, 1895."

SIMPSON,
LEWIS,
TIPS,
M'KINNEY,
HARRISON,

On part of the Senate.

GREER,
BUMPASS,
BURNS,
O'NEAL,
WATKINS,

On part of the House.

On motion of Senator Simpson, the above report was adopted.

Committee Room,

Austin, Texas, March 28, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Towns and City Corporations, to whom was referred

House bill No. 608, being a bill to be entitled "An act to amend sections 4, 8, 10, 11, 24, 25, 28, 30, 36, 48, 49, 50, 58 and 59 of an act entitled 'An act to incor-

porate the city of Houston, and grant a new charter to said city of Houston."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BOWSER, Chairman.

UNFINISHED BUSINESS.

The Chair laid before the Senate Substitute Senate bill No. 78, entitled "An act making an appropriation for the support of the State government for the years beginning March 1, 1895, and ending February 28, 1897, to cover deficiencies and for other purposes,"

Action being on

MISCELLANEOUS.

By Senator Steele:

Amend line 20, page 28, by adding after the word "penitentiaries" the following: "And for constructing an efficient system of sewerage for the Huntsville penitentiaries, to be out of the general appropriation for penitentiaries, the sum of \$5000, or as much of said sum as may be necessary."

Adopted.

Senator Goss called up his motion to reconsider the vote by which the amendment to line 22, page 4, was adopted.

Reconsidered.

By Senator Goss:

Substitute for the amendment: Amend by adding after the word "corrected" in line 22, page 4, the following: "Or by reason of the fact that the sale was erroneously made by the State to such purchaser."

Adopted.

The amendment as substituted was then adopted.

Senator Tips called up the motion (Colquitt's) to reconsider the vote by which the salary of the chief clerk of the Department of Agriculture, Statistics and History was reduced from \$1800 to \$1200.

Reconsidered.

The amendment was then lost.

Senator Goss entered a motion to reconsider the vote by which

Senate bill No. 77, being a bill to be entitled "An act to amend sections 4, 5 and 6 of an act entitled 'An act to regulate the practice of pharmacy in the State of Texas, and providing a penalty for the enforcement of the same,' approved April 6, 1889," was finally passed.

Senator Goss moved that the House be requested to return the bill.

By Senator Simpson:

CONFEDERATE HOME.

Amend line 28, page 30, by striking out "28,800" where it occurs and inserting the following in lieu thereof: "For the two years commencing March 1, 1895, and ending March 1, 1897, '\$58,000.'"

By Senator Tips:

Substitute: Amend line 28, page 30, by striking out "\$28,800" in each column and insert "\$23,800" in the first column and "\$33,800" in the second column.

Senator Simpson withdrew his amendment.

Senator Tips' amendment was then adopted.

By Senator Stafford:

Amend lines 16 and 17, page 5, by changing "9" to "10," and "\$9000" to "\$10,000" in each column.

Adopted.

Senator Lawhon called up the motion to reconsider the vote by which lines 26, 27 and 28, page 1, were stricken out.

Reconsidered by the following vote:

Yeas—16.

Agnew.	Presler.
Atlee.	Rogers.
Bailey.	Sherrill.
Beall.	Stafford.
Colquitt.	Steele.
Goss.	Tips.
Lawhon.	Whitaker.
McKinney.	Woods.

Nays—7.

Darwin.	Harrison.
Dean.	Shelburne.
Dibrell.	Simpson.
Greer.	

Absent, excused.

Boren.	McComb.
Dickson.	Smith.
Gage.	

Absent, not excused.

Bowser.	Lewis.
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Senator Shelburne moved a call of the Senate, which was duly seconded and ordered, the following Senators answering to their names:

Agnew.	Lewis.
Atlee.	McKinney.
Bailey.	Presler.
Beall.	Rogers.
Colquitt.	Shelburne.
Darwin.	Sherrill.
Dean.	Simpson.
Dibrell.	Stafford.
Goss.	Steele.
Greer.	Tips.
Harrison.	Whitaker.
Lawhon.	Woods.

Absent, excused.

Boren.	McComb.
Dickson.	Smith.
Gage.	

Absent, not excused.

Bowser.

Senator Whitaker moved to excuse the absentees.

Lost (requiring two-thirds) by the following vote:

Yeas—15.

Agnew.	Rogers.
Beall.	Sherrill.
Colquitt.	Stafford.
Goss.	Steele.
Greer.	Tips.
Lawhon.	Whitaker.
McKinney.	Woods.
Presler.	

Nays—9.

Atlee.	Harrison.
Bailey.	Lewis.
Darwin.	Shelburne.
Dean.	Simpson.
Dibrell.	

Absent—excused.

Boren.	McComb.
Dickson.	Smith.
Gage.	

Absent, not excused.

Bowser.

Pending business going to the table,
Senator Colquitt called up

Senate bill No. 149, a bill entitled "An act to provide for the collection of taxes heretofore levied and that may hereafter be levied; making such taxes a lien on the lands taxed; establishing and continuing such lien; providing for the sale and conveyance of lands delinquent for taxes since January 1, 1877, which may have been sold to the State, or to any county, city or town for the tax due thereon and not redeemed, or which may hereafter be sold to the State, or to any county, city or town to satisfy the lien thereon."

With House amendments thereto, and moved to concur in same.

Senator Harrison moved to adjourn to 3 p. m.

Lost.

Pending reading the House amendments (to Senate bill 149),

Senator Tips moved to suspend further reading of same and that they be printed in the Journal.

Adopted.

HOUSE AMENDMENTS TO SENATE BILL NO. 149.

Adopted prior to consideration by House Special Committee.

(1) Amend section 2, page 2, line 10, by inserting, "returned delinquent or reported," between "been" and "sold."

(2) In line 16 strike out "and."

(3) In line 17, between "taxes" and "due," insert "interest and costs."

(4) Amend section 7, page 6, by striking out all after "vided" in line 7, down to and including "suit" in line 9, and insert in lieu thereof, "in rendering judgment the court shall make provision therein that if less than the whole tract or lot of land be bid off, and the purchaser requests it, the sheriff shall have a survey made of the number of acres or subdivision bid off and field notes of the same returned to him at the expense of said purchaser, and to include the lawful charges that may be actually paid by the purchaser for said surveying and return of field notes, as part of the costs, which sum and field notes shall be specified in the deed to the purchaser."

(5) Amend by striking out of lines 15 and 16, of section 7, the following words, viz: "Provided, claim is proven to same," and insert in lieu thereof the following, viz: "Provided, any one claiming the same shall make proof of his claim

to the satisfaction of the State Treasurer."

(6) Amend section 6, page 4, line 16, by inserting between "then" and "the" "with the county clerk of."

(7) In line 19, section 6, between "then" and "of" insert "in the district court."

(8) In section 1, line 8, strike out "appurtenance" and insert "appertaining."

(8a) In section 6, line 12, after the word "notice" insert "or as soon thereafter as practicable."

(9) In section 6, line 12, strike out all after the word "sold" down to and including the word "sale" in line 13.

(10) Amend by striking out all words after the word "fraud" in line 24, section 8, page 6.

(11) Strike out section 13 and substitute the following: "It is the purpose and intent of this act to release all taxes, penalties, and costs due upon real estate returned delinquent or reported sold to the State prior to the first day of January, 1885. Any person, or his agent, interested in any real estate returned delinquent or reported sold to the State since the first day of January, 1885, may redeem the same, in the same way as heretofore permitted by law, by paying (1) within ninety days from the time this act takes effect simple taxes and costs, or (2) after the ninety days and before suit is filed, double the amount of taxes sold for, simple taxes for the other years, and double the original and subsequently accrued costs, if any sale was reported; but if no sale was reported, then all taxes with six per centum per annum interest only on the first delinquency returned, simple taxes for the other years, and double subsequently accrued costs; and (3) or after suit has been filed and before final judgment, double the amount of taxes sold for, all other taxes with six per centum per annum interest on same for each year, and double the original and subsequently accrued costs, if any sale was reported; but if no sale was reported, then all taxes with six per centum per annum interest on the amount of taxes due for each year, and the costs of the suit. The court shall make an entry showing the redemption and dismissal of the suit, a certified copy of which may be recorded in the deed records of the county where the land is situated. Whenever interest is to be computed under the provisions of this act it shall be at the rate of six per centum per annum."

(12) Amend by striking out in line 18, section 6, page 4, the words, "file suit," and insert therefor, "cause suit to be filed in the name of the State of Texas."

(13) Strike out the word "double" whenever it affects the cost of suits as provided for in the bill.

(14) Amend section 7 by adding the following after the word "then" in line 27: "Advertise said sale by posting three notices of such sale in three public places in the county, one of which shall be at the court house door, for not less than twenty days prior to such sale, which shall be at the court house door," and strike out the

words "attend at the court house in his county."

(15) Amend section 7, line 25, by adding after the word "costs," "at any time after."

(16) Amend by striking out the words "one dollar" in line 4, section 5, page 4, and inserting in lieu thereof the words "twenty-five cents."

(17) Amend by striking out all after the word "advertised" in line 5, page 4, down to and including the word "or" in line 8, page 4.

(18) Amend section 7, in line 19, on page 5, add after the word "lots" "or fraction of a lot."

(19) Amend caption, line 8, by inserting "returned delinquent or reported," between "been" and "sold."

Amendments by the special House committee:

(20) In line 20, page 2, strike out the words "or lots" and insert "lots or parts of lots."

(21) Strike out in page 4 the lines 8, 9, 10 and 11, and insert in lieu thereof the words "And the publishers shall receive such compensation as is provided by law for like services in other cases."

(22) In lines 25 and 26, page 4, strike out the words "in the alternative in favor of the State of Texas for the land or."

(23) In line 28, page 4, insert after the word "costs" the words "And for such other relief to which the State may be entitled under the law and the facts."

(24) In lines 29 and 30, page 4, strike out the words "county judge, and need not be otherwise verified," and insert in lieu thereof the words, "Attorney bringing the suit, and shall be verified by the affidavit of said attorney or the county judge to the effect that the averments contained in said petition are true to the best of the knowledge and belief of affiant; and the pleadings of the defendant, except those of law, shall be verified by like affidavit of the defendant, his agent or attorney."

(25) Strike out all commencing with the word "and" in line 30, page 4, down to and including the word "cash" in line 11, page 6, and insert the following:

"Section 7. The proper persons shall be made parties defendant in such suit and shall be served with process and other proceedings had therein as provided by law for suits of like character in the district courts of this State; and in case of foreclosure an order of sale shall issue and the land sold thereunder as in other cases of foreclosure; but if the defendant or his attorney shall at any time before the sale file with the sheriff or other officer in whose hands any such order of sale shall be placed a written request that the property described therein shall be divided and sold in less tracts than the whole, together with a description of said subdivisions, then such officer shall

25-Senate

sell the land in said subdivisions as the defendant may request, and in such case shall only sell as many subdivisions as near as may be to satisfy the judgment, interest and costs."

(26) Add after the word "sheriff" in line 13, page 6, the following: "To the clerk of the court out of which said execution or other final process issued, to be retained by him subject to the order of the court for the period of two years, after which time the court may order the same to be paid."

(27) In line 17, page 6, after the word "escheats" add the following, viz: "Provided, that no suit shall be brought to enforce such lien upon any lands that a sufficient description to identify the same can not first be had."

(28) In line 26, page 6, strike out the words "county judge or the commissioners court may require the."

(29) In line 27, page 6, strike out the word "to" and insert "shall."

(30) In line 28, page 6, strike out all after the word "act" down to and including the word "suits" in line 30, page 6, and insert the following: "In litigated cases additional counsel may be retained by the commissioners court if they deem it necessary to do so, whose compensation shall be such reasonable fee as may be agreed upon at the time of employment."

(31) In line 31, page 6, strike out the words "be greater than three dollars" and insert the words "for said county attorney be greater than five dollars."

(32) Strike out section 13 of the bill as amended and insert the following:

"Sec. 13. Any delinquent tax payer whose lands have been returned delinquent or reported sold to the State for taxes due thereon, may redeem the same at any time before his lands are sold under the provisions of this act by paying the taxes due thereon, with interest at the rate of six per cent per annum and accrued costs."

(33) Strike out section 14 of the bill and insert the following:

"Sec. 14. Where lands are sold under the provisions of this act the owner or anyone having an interest therein shall have the right to redeem said land or his interest therein within two years from the date of said sale, upon the payment of double the amount paid for the land."

Amendments adopted subsequent to report of Special House Committee:

(34) Insert after the word "selling" in line 5, section 9, page 7, the words "and making deed to."

(35) Amend by adding after the word "for" in line 31, on page 6, "the first tract in one suit and one dollar for each additional tract if more than one tract is embraced in same suit;" and strike out all of line 31 of page 6 after the word "for" and the words "on to" in line 32 on page 6.

(36) Amend in section 2, page 2, line 10, by inserting after the word "State" the words "or to any city or town."

IN SENATE.

House bill No. 404, "An act to amend an act entitled 'An act to define trusts, and to provide for penalties and punishment of corporations, persons, firms and associations of persons connected with them, and to promote free competition in the State of Texas,' approved March 30, 1889."

Read first time and referred to Judiciary Committee No. 1.

By unanimous consent the following were offered:

By Senator Tips:

A bill to be entitled "An act to provide for the sale of all the unappropriated public lands of the State of Texas, including all the public lands heretofore set aside and reserved for sale by chapter 52 of the General Laws of the State of Texas, entitled 'An act to provide for the sale of a portion of the unappropriated public lands of the State of Texas, and investment of the proceeds of such sale,' approved July 14, 1879, and all laws amendatory thereof, and to repeal all laws and parts of laws in conflict herewith."

Read first time and referred to Committee on Public Lands.

By Senator Tips:

A bill to be entitled "An act to amend chapter 111 of the general laws of the Eighteenth Legislature of the State of Texas, approved April 14, 1883, and entitled 'An act authorizing the refunding from the State Treasury from deposits made to special funds to parties who may have paid the same in error and who may have received no consideration therefor.'"

Read first time and referred to Committee on Public Lands.

By Senator Bailey:

Resolved, That Committee Clerk R. C. Shelley be transferred to the engrossing department.

Adopted.

Senator Simpson moved to adjourn to 10 a. m. tomorrow.

Adjourned by the following vote:

Yeas—17.

Atlee.	Lawhon.
Bailey.	Lewis.
Colquitt.	McKinney.
Darwin.	Presler.
Dean.	Shelburne.
Dibrell.	Simpson.
Dickson.	Stafford.
Goss.	Whitaker.
Greer,	

Nays—8.

Agnew.	Sherrill.
Beall.	Steele.
Boren.	Tips.
Rogers.	Woods.

Absent, excused.

Gage.	Smith.
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McComb.

Absent, not excused.

Bowser.

Harrison.

SIXTY-SIXTH DAY.

Senate Chamber,

Austin, Texas, March 29, 1895.

Senate met pursuant to adjournment. Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew.	Lawhon.
Atlee.	Lewis.
Bailey.	McKinney.
Beall.	Presler.
Boren.	Rogers.
Bowser.	Shelburne.
Colquitt.	Sherrill.
Darwin.	Simpson.
Dean.	Stafford.
Dibrell.	Steele.
Goss.	Tips.
Greer.	Whitaker.
Harrison.	Woods.

Absent, excused.

Gage.	Smith.
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McComb.

Absent, not excused.

Dickson.

Prayer by the Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator McKinney, the same was suspended.

On motion of Senator Steele, Secretary Pool was excused for today and tomorrow on account of sickness in his family.

PETITIONS AND MEMORIALS.

By Senator Greer:

Petition from citizens of Jefferson county, asking for the enactment of a law to prevent hogs, sheep and goats from running at large.

Read and referred to Committee on Stock and Stockraising.

By Senator Whitaker:

Petition of citizens of Cass county, asking the passage of House bill No. 271, raising the school tax to the constitutional limit of 20 cents.

Read and referred to Committee on Education.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, March 29, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 268, being a bill to be entitled "An act to authorize the sale of the railroad and other property, and all the corporate franchises and privileges of the Texas Transportation Company to any railroad company owning or that may own a line or lines extending into the city of Houston, and owning tracks which connect or which may hereafter be connected with